

Fact Sheet 2

Bullying at Work

All people working in Australia are entitled to basic rights and protections in the workplace. This includes foreign workers and people who are not Australian citizens or permanent residents (which include people seeking asylum).

What is workplace bullying?

In this Fact Sheet, we focus on bullying as a workplace safety issue that can be investigated by WorkSafe Victoria. WorkSafe defines workplace bullying as occurring when a person or group of persons repeatedly behaves unreasonably towards a worker or group of workers at work AND the unreasonable behaviour creates a risk to the health and safety of that worker. If the bullying is because of your age, gender, race or religion it may also be unlawful discrimination.

What is NOT workplace bullying?

Not all behaviours that make a worker upset or disappointed are workplace bullying. In order to meet work timelines and improve work quality, employers and managers can give feedback to workers which may be negative but does not count as workplace bullying. Similarly, differences of opinion and disagreements between workers and employers or between workers is not necessarily workplace bullying. BUT disagreements and feedback must not be humiliating and demeaning.

Examples of bullying at work

Cases of workplace bullying can include: intimidation, coercion, threats, humiliation, sarcasm, victimisation, malicious jokes, physical abuse, verbal abuse, emotional abuse, harassment, ganging-up, isolation, rumour-mongering, disrespect, mocking, victim-blaming, discrimination, exclusion from work-related events and unreasonable work expectations.

What are the effects of bullying?

A key reason for prohibiting workplace bullying is the negative effect that this behaviour has on a person's health and safety. Victims can become depressed, experience anxiety, be unable to sleep and experience a range of other health problems. This can also lead to them being less productive at work and taking sick leave.

However, it is not necessary for a worker who is a victim of bullying to prove any of these effects in order to make a successful complaint about workplace bullying with WorkSafe.

What should you do if you are bullied at work?

If you experience bullying at work, you can take the following steps:

Step 1: If it is practical and safe, you can approach the person who is bullying you and explain to them how their behaviour affects you. You could point out to them that their behaviour is against the law.

Step 2: If Step 1 has not worked or if it is not safe for you to approach the person, you can seek help from anyone you trust and feel comfortable with, such as your supervisor or manager at work. You should provide them with details of the bullying and how it makes you feel.

It will be easier for your supervisor to investigate if you have made a record of the times, dates, and places where the bullying occurred, and you can describe what happened, and whether anyone else was present at that time.

Step 3: If, after trying Steps 1 and 2 (or just Step 2), you believe that you have not received appropriate help, you can contact WorkSafe Victoria by telephoning 1800 136 089 between 7:30am to 6:30pm from Monday to Friday. If it is an emergency, telephone 13 23 60 (this service is available 24 hours a day, 7 days a week).

Step 4: If the bullying continues, you can contact the Fair Work Commission and ask for an anti-bullying order. For the Fair Work Commission to make this order, you must still be employed at the workplace and there must be a risk that the bullying will continue.

You can obtain more information here: [fwc.gov.au/content/rules-form/application-order-stop-bullying](https://www.fwc.gov.au/content/rules-form/application-order-stop-bullying)

You should also know that, in very serious cases, bullying is a crime in Victoria. Contact Victoria Police; if it is an emergency call 000.

Can I consult my Doctor?

Your local doctor is often the first point of contact for a person who has been bullied at work. Doctors have a role in assessing and treating the mental health of their patients and can report workplace bullying. It is important that you discuss with your doctor what you have experienced, how you feel and the impact the bullying has had on you. You should follow advice given by your doctor as this can help you to improve your mental health.

An example of workplace bullying

My name is Jalal, and I am 27 years old. I live in Melbourne. In 2015, I started work as a carpenter. My employer used offensive language towards me. Other workers then started asking me inappropriate questions about my personal life. They also behaved badly. They placed nails under the tyres of my car. When I used the ladder, they would shake it and say that it was 'just a joke'. They would also throw pieces of timber and other things at me.

Initially, I was afraid that I would lose my job if I complained about this behaviour to anyone. But, as a carpenter, I am supposed to be extra cautious about safety as there are high risks of injury at our workplace. The repeated inappropriate behaviours by my employer and fellow workers made me afraid to go back to the work. I became depressed, anxious, started having nightmares and difficulty sleeping. Finally, I made a complaint to WorkSafe Victoria. This resulted in my employer and other workers stopping the bullying.

What to do if someone accuses YOU of bullying?

If you find yourself accused of bullying at work, as a first step, follow the procedure established at your workplace and talk to your supervisor, manager or employer. It is important that you make notes about the allegation. In your notes you should include the time, date, and place where the bullying allegedly occurred, describe what is supposed to have happened, and note whether anyone else was present at that time.

Even if you believe that the allegations are not true, it is important that you co-operate with anyone approaching you to investigate the matter. You should be calm, open-minded and respect the other person's perspective about the allegations. But be very careful about what you agree to.

Bullying in violation of company policies

If bullying at your workplace has caused you to leave your work or suffer other harms in the workplace, or if you have physical or psychological injuries because of the bullying, you may be able to bring a lawsuit for damages/compensation in court. To do this, you will likely need to consult a lawyer.

What should I do if I need immediate emotional or mental help?

Because workplace bullying can cause depression, anxiety and other problems it can have a severe impact on mental health. If you need immediate emotional assistance or support, you should contact the following organizations:

Lifeline

Lifeline is a national charity providing 24 hour support: Call on **13 11 14**.

Beyond Blue

Beyond Blue provides free information and mental health support. Call on **1300 22 4636**.

Other organisations that can provide assistance

Victoria Legal Aid (VLA)

Victoria Legal Aid helps people with their legal problems by providing free information and support.

Contact VLA on **1300 792 387**.

Deakin CREATE

Deakin CREATE supports people from refugee backgrounds to rebuild their careers through obtaining employment and accessing vocational training and education.

See: **deakincreate.org.au**



CREATE

Centre for Refugee Employment, Advocacy, Training and Education

deakincreate.org.au

Deakin University CRICOS Provider Code: 00113B